

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
RONALD P. PASSATEMPO, Trustee of the Samuel)	
Pietropaolo Irrevocable Trust, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	Case No. 05-CV-10118-GAO
v.)	
)	
FREDERICK V. McMENIMEN III, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
_____)	

**OPPOSITION OF DEFENDANT FREDERICK V. McMENIMEN III TO
PLAINTIFF'S REQUEST FOR LEAVE TO FILE A "REPLY"**

Pursuant to Local Rule 7.1 and Rule 25(a)(1) of the Federal Rules of Civil Procedure, defendant Frederick V. McMenimen III ("Mr. McMenimen") hereby opposes the plaintiffs' motion to submit a so-called "reply" in further support of their "Motion to Substitute Executor of Plaintiff Samuel Pietropaolo's Estate as a Party" ("Motion") (DE #39). For the reasons set forth on pages 10 of Mr. McMenimen's opposition to the Motion (DE #38), it is clear that the plaintiffs seek to make an end-run around Local Rule 7.1(B)(1) and do not offer a *bona fide* "reply." The memorandum they tender is the "memorandum of reasons" that rule required them to submit with the underlying motion.

WHEREFORE, the plaintiffs' request should be denied.

Respectfully submitted,

FREDERICK V. McMENIMEN, III

By his attorney,

/s/ William P. Corbett, Jr.

William P. Corbett, Jr. (BBO #561201)
THE CORBETT LAW FIRM
A Professional Corporation
85 Exchange Street, Suite 326
Lynn, Massachusetts 01901-1429
(781) 596-9300

Dated: July 26, 2005